

**Article 16. Thermal Treatment****§66265.370. Other Thermal Treatment.**

The regulations in this article apply to owners or operators of facilities that thermally treat hazardous waste in devices other than enclosed devices using controlled flame combustion, except as section 66265.1 provides otherwise. Thermal treatment in enclosed devices using controlled flame combustion is subject to the requirements of article 15 of this chapter if the unit is an incinerator, and article 8 of chapter 16, if the unit is a boiler or an industrial furnace as defined in section 66260.10.

NOTE: Authority cited: Sections 25159, 25159.5, 58004 and 58012 Health and Safety Code. Reference cited: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.370.

**HISTORY**

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment of section and NOTE field 7-1-96; operative 7-31-96 (Register 96, No. 27).

**§66265.373. General Operating Requirements.**

Before adding hazardous waste, the owner or operator shall bring his thermal treatment process to steady state (normal) conditions of operation-including steady state operating temperature using auxiliary fuel or other means, unless the process is a noncontinuous (batch) thermal treatment process which requires a complete thermal cycle to treat a discrete quantity of hazardous waste.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.373.

**HISTORY**

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

**§66265.375. Waste Analysis.**

(a) In addition to the waste analyses required by section 66265.13, the owner or operator must sufficiently analyze any waste which he has not previously treated in that owner's or operator's thermal process to enable that owner or operator to establish steady state (normal) or other appropriate (for a non-continuous process) operating conditions (including waste and auxiliary fuel feed) and to determine the type of pollutants which might be emitted. At a minimum, the analysis must determine:

- (1) heating value of the waste;
- (2) halogen content and sulfur content in the waste; and
- (3) concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the element is not present.

(b) As required by section 66265.73, the owner or operator must place the results from each waste analysis, or the documented information, in the operating record of the facility.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.375.

**HISTORY**

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

**§66265.377. Monitoring and Inspections.**

(a) The owner or operator shall conduct, as a minimum, the following monitoring and inspections when thermally treating hazardous waste.

(1) Existing instruments which relate to temperature and emission control (if an emission control device is present) shall be monitored at least every 15 minutes. Appropriate corrections to maintain steady state or other appropriate thermal treatment conditions shall be made immediately either automatically or by the operator. Instruments which relate to temperature and emission control would normally include those measuring waste feed, auxiliary fuel feed, treatment process temperature, and relevant process flow and level controls.

(2) The stack plume (emissions), where present, shall be observed visually at least hourly for normal appearance (color and opacity). The operator shall immediately make any indicated operating corrections necessary to return any visible emissions to their normal appearance.

(3) The complete thermal treatment process and associated equipment (pumps, valves, conveyors, pipes, etc.) shall be inspected at least daily for leaks, spills, and fugitive emissions, and all emergency shutdown controls and system alarms must be checked to assure proper operation.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.377.

**HISTORY**

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

**§66265.381. Closure.**

At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues

(including, but not limited to, ash) from the thermal treatment process or equipment. At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with section 66261.3(c) or (d), that any waste removed from that owner or operator's thermal treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of this division.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference cited: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.381.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

### **§66265.382. Open Burning; Waste Explosives.**

Open burning of hazardous waste is prohibited except for the open burning and detonation of waste explosives. Waste explosives include waste which has the potential to detonate and bulk military propellants which cannot safely be disposed of through other modes of treatment. Detonation is an explosion in which chemical transformation passes through the material faster than the speed of sound (0.33 kilometers/second at sea level). Owners or operators choosing to open burn or detonate waste explosives shall do so in accordance with the following table and in a manner that does not threaten human health or the environment.

Pounds of Waste Explosives or Propellants	Minimum Distance from Open Burning or Detonation to the Property of Others
0 to 100	204 meters (670 feet)
101 to 1,000	380 meters (1,250 feet)
1,001 to 10,000	530 meters (1,730 feet)
10,001 to 30,000	690 meters (2,260 feet)

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.382.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

### **§66265.383. Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste.**

(a) Owners or operators of thermal treatment devices subject to this subpart may burn EPA Hazardous Wastes F020, F021, F022, F023, F026, or F027 if they receive a certification from the USEPA Assistant Administrator for Solid Waste and Emergency Response that they can meet the performance standards of article 15 of chapter 14 of this division when they burn these wastes.

(b) The following standards and procedures will be used in determining whether to certify a thermal treatment unit.

(1) The owner or operator will submit an application to the USEPA Assistant Administrator for Solid Waste and Emergency Response containing the applicable information in sections 66270.19 and 66270.62 demonstrating that the thermal treatment unit can meet the performance standard in article 15 of chapter 14 of this division when they burn these wastes.

(2) The USEPA Assistant Administrator for Solid Waste and Emergency Response will issue a tentative decision as to whether the thermal treatment unit can meet the performance standards in article 15 of chapter 14 of this division. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the jurisdiction where the thermal treatment device is located. The USEPA Assistant Administrator for Solid Waste and Emergency Response will accept comment on the tentative decision for 60 days. The USEPA Assistant Administrator for Solid Waste and Emergency Response also may hold a public hearing upon request or at the Assistant Administrator's discretion.

(3) After the close of the public comment period, the USEPA Assistant Administrator for Solid Waste and Emergency Response will issue a decision whether or not to certify the thermal treatment unit.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.383.

#### HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).